



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

August 20, 2018

SENT VIA EMAIL

Joel Eagle
Thompson Hine
3900 Key Center
127 Public Square
Cleveland, Ohio 44114
joel.eagle@thompsonhine.com

Dear Mr. Eagle:

This letter is regarding your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of May 23, 2018, assigned #18-00753-FOIA, seeking,

“...In the ATSDR response to FOIA #18-00418 (provided by email 4/23/2018), ATSDR provided the attached MS Department of Health “Eastern Heights Cancer Incidence and Mortality Review,” prepared by Bruce T. Brackin, MPH, Environmental Epidemiology Consultant. Please provide all drafts of this study and any emails, other correspondence and records related to this study, including but not limited to materials provided to the MS Department of Health for the study and requests to conduct the study.”

We located 1304 pages of responsive records, of which, 25 pages were withheld and 1271 pages were referred to the Environmental Protection Agency (EPA) FOIA Officer. After a careful review of these pages, some information was withheld from release pursuant to 5 U.S.C. §552 Exemption 5.

The EPA FOIA office contact information is as follows:

Regional Freedom of Information Officer
U.S. EPA, Region 4
AFC Building, 61 Forsyth Street, S.W.
9th Floor (4PM/IF)
Atlanta, GA 30303-8960
(404) 562-9891

Exemption 5 protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, and attorney-client privileges. Information withheld under this exemption was protected under the deliberative process privilege. The deliberative process privilege protects the decision-making process of government agencies. The deliberative process privilege protects materials that are both predecisional and deliberative. The materials that have been withheld

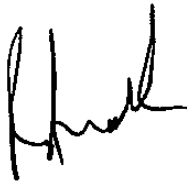
under the deliberative process privilege of Exemption 5 are both predecisional and deliberative, and do not contain or represent formal or informal agency policies or decisions. Examples of information withheld include draft reports and draft correspondence.

In accordance with the Department's implementing regulations, 45 CFR Part 5, a fee of \$897.00 was assessed and your prepayment was received at the CDC FOIA office on July 20, 2018. Upon completing the review of #18-00753-FOIA responsive records, it has been determined **you are due a \$575.00 refund**. Please complete the attached ACH Vendor/Miscellaneous Payment Enrollment Form (Financial Institution Information only) and return to the CDC FOIA office for processing.

You may contact our FOIA Public Liaison at 770-488-6277 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, Suite 729H, Washington, D.C. 20201. Please mark both your appeal letter and envelope "FOIA Appeal." Your appeal must be postmarked or electronically transmitted by Monday, November 19, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Andoh', with a stylized, cursive script.

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer
(770) 488-6399
Fax: (404) 235-1852

Enclosures

18-00753-FOIA